UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _24 July 2009_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,3-7,22,23 and 25-35_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,3-7,22,23 and 25-35_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed July 24, 2009. Claims 33-34 are currently amended and claims 2, 8-21 and 24 are canceled. Thus claims 1-7 and 22-35 are pending in this application.

Specification

1.   The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 32 recites the term "computer readable storage", however this term does not appear in the specification, and thus it is unclear as to what the term "computer readable storage" embodies.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.   Claim 33 recites the limitation "the computer-readable medium" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5.   Claim 34 recites the limitation "the computer -readable medium" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

6.   Claim 35 recites the limitation "the computer -readable medium" in line 1 of the

claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1, 3, 5, 6, 22, 23, 25, 27, 28, 30-33 and 35 are rejected under 35 U.S.C.

103(a) (*current application effective filing date 9/17/2003*) as being unpatentable over

Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in view of

Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi').

With respect to claims 1, 23 and 32, Hambleton teaches:

a call flow development graphical user interface (Figures 5-7, paragraph 12);

storing the grammar files in a memory (paragraph 26);

receiving a request to visually display in the GUI the grammar files in the

presentation list (Figure 5, paragraph 47, *i.e. a user picking a grammar*);

retrieving the grammar files from the computer memory (Figure 5, paragraphs 26

and 47);

distinguishing between a first subset of files that contain user-defined grammars,

each defining a grammar file written by a user (Custom grammars), and a second

subset of files that contain built-in grammars, each defining a system built-in grammar file (Built-in grammars) (Figure 5, paragraph 47); and

sorting grammar files within the first subset of files and grammar files within the second subset of files according to a second criterion (Figure 5, *grammars are listed in alphabetical order*).

Hambleton does not teach sorting grammar files based on a first criterion that always assigns the first subset of files priority over the second subset of files; simultaneously displaying the first subset of files and the second subset of files within the presentation list such that the grammar files in the first subset of files are presented ahead of elements of the grammar files in the second subset of files; or partitioning the first subset of files and the second subset of files by a visual aid.

Yagi teaches a file handling device and program (see abstract), in which he teaches:

sorting grammar files based on a first criterion that always assigns the first subset of files (*recently accessed file)* priority over the second subset of files (*prespecified file*) (Figures 4(B) and Figure 6, paragraph 66) (*Figure 4(B) shows the options of moving files up/down in order and sorting. Also, according of Figure 6, first subset is given greater priority by being presented before second subset*);

simultaneously displaying the first subset of files and the second subset of files within the presentation list such that the grammar files in the first subset of files are

presented ahead of elements of the grammar files in the second subset of files (Figures

9(B) and 11); and

partitioning the first subset of files and the second subset of files by a visual aid

(Figures 9(B) and 11).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Hambleton by the teaching of Yagi because

teach sorting grammar files based on a first criterion that always assigns the first subset

of files priority over the second subset of files; simultaneously displaying the first subset

of files and the second subset of files within the presentation list such that the grammar

files in the first subset of files are presented ahead of elements of the grammar files in

the second subset of files; or partitioning the first subset of files and the second subset

of files by a visual aid would enable Yagi's file handling device to be used in a graphical

development environment to provide efficiency of file selection of speech based files

(Hambleton, abstract and Yagi, abstract).

With respect to claims 3 and 25, Hambleton as modified teaches wherein the

step of visually displaying comprises presenting the presentation list such that each

grammar file is labeled with a label indicating whether the grammar file is a user-defined

grammar file or a built-in grammar file (Yagi, Figures 4(B) and 6) (*Figure 6 shows that

each file is labeled either recently accessed or prespecified;* Hambleton, Figure 5).

With respect to claims 5 and 27, Hambleton as modified teaches wherein the

user-defined grammar files and the built-in grammar files can share the same name

(Yagi; Figures 4(B) and 6) (*Figure 6 shows that both recently accessed files and*

prespecified files may share the same file name, i.e. files name File 1 and File 2. Figure

4(B) shows that "File 1" and "File 2" are actual file names).

With respect to claims 6, 28 and 33, Hambleton as modified teaches wherein the

second criterion is an alphabetical order (Hambleton, Figure 5).

With respect to claims 22, 31 and 35, Hambleton as modified teaches wherein

the visual aid for partitioning the first subset of files and the second subset of files

includes at least one among a space, a dashed line, and a group header (Yagi, Figure

9(B); Hambleton, Figure 5).

With respect to claim 30, Hambleton as modified teaches wherein the

presentation list is at least one among a drop-down list and a list box (Yagi, Figures 6,

9(B)).

9.   Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in view of

Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi'), as applied to

claims 1-3, 5, 6, 22-25, 27, 28, 30-33 and 35 above, and further in view of Gusmorino et

al. (US 2005/0251748 A1, *priority date 3/24/2003*) ('Gusmorino').

With respect to claims 4 and 26, Hambleton as modified teaches visually

displaying a presentation list that distinguishes between use-defined grammar files and

built-in grammar files.

Hambleton as modified does not teach wherein each grammar file is presented in

a text format that indicates the type of file.

Gusmorino teaches a system and method for viewing and editing multi-value

properties (see abstract), in which he teaches presenting a list of files such that each

grammar file is presented in a text format that indicates the type of file (paragraph 123).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have further modified Hambleton by the teaching of

Gusmorino because wherein each grammar file is presented in a text format that

indicates the type of file would enable an improved way of handling the display of

properties, and of managing multi-value properties, to simplify the user's experience in

navigating and managing files on a computing system (Gusmorino, paragraph 7).

10.   Claims 7, 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hambleton et al. (US 2008/0098353 A1, *priority date 5/2/2003*) ('Hambleton') in

view of Yagi et al. (US 2002/0059288 A1, *publication date 5/16/2002*) ('Yagi'), as

applied to claims 1-3, 5, 6, 22-25, 27, 28, 30-33 and 35 above, and further in view of

Sakai (US 2004/0056903 A1, *priority date 7/15/2002*).

With respect to claims 7, 29 and 34, Yagi as modified teaches claims 1, 23 and

32.

Hambleton as modified does not teach wherein the second criterion is a

chronological order.

Sakai teaches a directory management program, object display program,

directory management method, and directory management apparatus (see abstract), in

which he teaches sorting files in chronological order (Figure 6, paragraphs 96 and 159).

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have further modified Hambleton by the teaching of Sakai

because sorting files in chronological order would enable a more efficient method of

displaying files by providing a display of files using temporal width, in which one has a

concept of temporal distance between files (Sakai, paragraph 15, abstract).

Response to Arguments

11.   Applicant's arguments filed July 24, 2009 have been fully considered but they are

not persuasive. Applicant argues that the term "computer-readable storage" is

commonly accepted and often-used. Examiner disagrees. The term "computer-

readable medium" is commonly used, but not "computer-readable storage".

Regardless, the term should be described in the specification, and should at the least

appear in the specification. Applicant's specification does not contain either term.

12.   In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., automatically displaying all grammar files in a predetermined order) are not recited

in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues that Yagi does not

teach that all grammar files are automatically displayed in a predetermined order.

However, this feature is not claimed. Claims 1, 23 and 32 recite "simultaneously

displaying the first subset of files and the second subset of files within the presentation

list..." However, this limitation does not require the files to be automatically displayed in

a predetermined order.

13.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). Applicant argues that pre-specified files are not built-in files and recently

accessed files are not user-defined files. The Examiner would like to note that

Hambleton teaches user-defined grammar files and built-in grammar files (Figure 5,

paragraph 47). Yagi is used to teach the concepts of sorting grammar files based on a

criterion that always assigns the first subset of files priority over the second subset of

files; simultaneously displaying the first subset of files and the second subset of files

within the presentation list such that the grammar files in the first subset of files are

presented ahead of elements of the grammar files in the second subset of files; and

partitioning the first subset of files and the second subset of files by a visual aid.

14.   The two types of files Yagi teaches are recently accessed files and pre-specified

files. The Examiner only relates recently accessed files and pre-specified files to user-

defined files and built-in files to help Applicant distinguish between the two subsets of

files. In Yagi, the recently accessed files (first subset of files) acts like the user-defined

files because the recently-accessed files are always assigned a priority over the second

subset of files. The pre-specified files (second subset of files) acts like the built0in files,

in that the pre-specified files presented below the recently accessed files (first subset of

files), etc. Therefore, the Examiner does not use Yagi's recently accessed files and pre-

specified files to teach user-defined files and built-in files, as Hambleton teaches user-

defined files and built-in files.

15.   Lastly, Applicant argues that in Fig. 12 of Yagi, the pre-specified applications are

presented ahead of other files or folders. However, the presentation of pre-specified

applications has no bearing whatsoever on the listing/presentation of files. Applicant's

claims recite presenting grammar files and not presenting applications. Furthermore, in

Fig. 12, the recently accessed folders are presented ahead of the pre-specified folders,

just as the recently accessed files are presented ahead of the pre-specified files in the

other figures. Also, in Fig. 12, there are no recently accessed applications listed, only

pre-specified applications. Thus, Applicant does not know how the recently accessed

applications will be presented with respect to the pre-specified application. If one were

to make a logical guess, it would make more sense for the recently accessed

applications to appear ahead of the pre-specified applications, just as the recently

accessed files are presented ahead of the pre-specified files, and the recently accessed

folders are presented ahead of the pre-specified folders.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-

5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate

Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
October 7, 2009

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164